

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DISTRICT

)
Commodity Futures Trading Commission,)
Plaintiff)
v.) Case No. 20-3758
Long Leaf Trading Group, Inc., James A.)
Donelson, Timothy M. Evans, Jeremy S.)
Ruth, and Andrew D. Nelson,)
Defendants)
)

JOINT STATUS REPORT

Pursuant to Docket Entry 32, Plaintiff Commodity Futures Trading Commission (“CFTC”), and Defendants Long Leaf Trading Group, Inc. (“Long Leaf Trading”), James A. Donelson, and Jeremy Ruth submit this joint written status report.¹

Service and Pleadings

The CFTC filed its complaint on June 26, 2020. (D.E. 1.) Defendants Long Leaf Trading, Donelson, and Ruth waived formal service of process; their executed waivers were filed on July 6 and 7. (D.E. 7-9.) Defendant Nelson was served at his last known address (his parents’ house) and by email, pursuant to an order of the Court. (D.E. 13, 15.)

The CFTC believes Defendant Timothy M. Evans currently resides in Tulum, Mexico. (Compl. ¶ 17.) As such, the CFTC on July 7, 2020, initiated service under the Hague

¹ Defendant Andrew D. Nelson has not responded to the summons, answered the complaint, or otherwise defended himself in this litigation. Counsel for the CFTC attempted to contact Nelson via email about this joint status report on November 9, 2020. Mr. Nelson has not responded.

Convention on the Service Abroad of Judicial and Extrajudicial Documents pursuant to Federal Rule of Civil Procedure 4(f)(1).²

Defendants Donelson and Long Leaf Trading filed their answers on September 18 and September 21, respectively. (D.E. 21, 23.) Donelson subsequently filed an unopposed motion to amend his answer, which the Court granted. (D.E. 26, 29.) Defendant Ruth timely filed his answer on November 2, 2020. (D.E. 36.) His attorney Andrew S. May of the law firm of Hinshaw & Culbertson, LLP filed his appearance on the same day. (D.E.37).

Ongoing Discovery

The parties are presently engaged in discovery. Pursuant to Docket Entry 11 and Federal Rule of Civil Procedure 26(f)(2), the CFTC and Defendants Long Leaf Trading, Donelson, and Ruth filed a joint status report on September 3, 2020.³ (D.E. 18.) In the September 3rd status report, the parties agreed to a discovery schedule in which Rule 26(a)(1) initial disclosures would be exchanged on September 30, 2020 for all parties except Ruth, who requested that his disclosures be due October 31, 2020. (*Id.* at 5.) The parties also agreed that fact discovery will conclude on May 1, 2021. (*Id.*)

The CFTC served its Rule 26(a)(1)(A)(i) disclosures on Defendants Donelson and Long Leaf Trading on September 30, 2020. The CFTC has been making rolling productions of relevant documents pursuant to Rule 26(a)(i)(A).

Defendants Donelson and Long Leaf served their Rule 26(a)(1)(A)(i) disclosures on October 14, 2020, Defendant Ruth served his Rule 26(a)(1)(A)(i) disclosures on November 10,

² The CFTC understands that service of process in Mexico pursuant to the Convention can often take the better part of a year; it is unclear how the global COVID-19 pandemic will affect this timetable.

³ The proposed discovery schedule has not been entered by the Court.

2020. Defendant Nelson has not yet served his initial disclosures. No Defendant has produced any responsive documents pursuant to Rule 26(a)(i)(A).

The CFTC propounded its first set of requests for production pursuant to Rule 34 to Defendants Donelson and Long Leaf Trading on August 25, 2020. The CFTC served its first set of interrogatories and second set of requests for production on Defendants Donelson and Long Leaf Trading on October 1, 2020. Defendants Donelson and Long Leaf Trading failed to timely respond or object to the CFTC's requests or interrogatories. After consultation with counsel for Donelson and Long Leaf, the CFTC agreed not to file a motion to compel if Donelson and Long Leaf Trading respond to the interrogatories by November 16 and produce all responsive documents by December 4, 2020.

On October 5, 2020, the CFTC served Defendant Ruth with its first set of requests for production. Ruth responded in writing to that set of requests on November 11, 2020. The CFTC has offered an extension of the production deadline until December 4, 2020. Ruth has requested until December 24, 2020 to produce responsive documents. The parties intend to meet and confer concerning a production deadline.

Settlement Discussions

The parties are not actively engaged in settlement talks. Based on pre-suit discussions, the parties currently expect the case to proceed to trial.

Pending Motions

There are no pending motions.

Other

As the Court is aware, Nicholas Iavarone withdrew from representing Defendants Long Leaf and Donelson due to health issues related to Covid-19. Long Leaf and Donelson have retained new counsel. Attorney James Falvey will be representing Long Leaf and Donelson on a going forward basis and intends to file his appearance in the immediate future; attorney Larry Landsman intends to file a motion to withdraw. Certain of the discovery deadlines have not been met, in part, due to Mr. Iavarone's illness, as described above.

/s/ Ashley J. Burden	/s/ James Falvey
Ashley J. Burden aburden@cftc.gov Elizabeth M. Streit estreit@cftc.gov Joseph C. Platt jplatt@cftc.gov Scott R. Williamson swilliamson@cftc.gov Robert T. Howell rhowell@cftc.gov Commodity Futures Trading Commission Division of Enforcement 525 W. Monroe St., Ste. 1100 Chicago, IL 60661 (312) 596-0700	Jim Falvey jimfalvey@yahoo.com Falvey Law Office 200 S. Wacker Dr., Ste. 3100 Chicago, IL 60606-5877 (312) 404-5839
Counsel for Plaintiff CFTC	Counsel for Defendants Long Leaf Trading Group and James Donelson
/s/ Andrew S. May	
Andrew S. May amay@hinshawlaw.com Hinshaw & Culbertson LLP 151 N. Franklin St., Ste. 2500 Chicago, IL 60606 (312) 704-3400	
Counsel for Defendant Jeremy Ruth	

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2020, I provided service to the persons listed below, and by the following means:

Via the Court's electronic CM/ECF system: Via email, pursuant to D.E. 13, to:

Jim Falvey (via email)
jimfalvey@yahoo.com
Falvey Law Office
200 S. Wacker Dr., Ste. 3100
Chicago, IL 60606-5877
(312) 404-5839

Andrew D. Nelson
267 May St. E.
Elmhurst, IL 60126
adnelson0503@gmail.com

Pro se

Counsel to Long Leaf Trading Group, Inc.
and James A. Donelson

Andrew S. May
amay@hinshawlaw.com
Hinshaw & Culbertson LLP
151 N. Franklin St., Ste. 2500
Chicago, IL 60606
(312) 704-3400

Counsel to Jeremy Ruth

/s/ Joseph C. Platt

Counsel for Commodity Futures Trading
Commission
Joseph C. Platt
jplatt@cftc.gov
Commodity Futures Trading Commission
Division of Enforcement
525 W. Monroe St., Ste. 1100
Chicago, IL 60661
Phone: (312) 596-0700